

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CHEMGUARD, LTD.,

Plaintiff,
v.

Case No. 09-MISC-057

DYNAX CORPORATION,

Defendant.

**ORDER GRANTING NON-PARTY ANSUL, INCORPORATED'S
MOTION TO QUASH SUBPOENA**

Based upon all files, records, motions, oppositions, replies, memoranda of law, and proceedings in this case, including the oral arguments entertained by the Court on July 28, 2009,

IT IS HEREBY ORDERED THAT:

1. Non-party Ansul, Incorporated's motion to quash the subpoena served by plaintiff Chemguard, LTD., which is the subject of the motion in this case is **GRANTED** without costs to any party and without attorneys' fees;
2. If the United States District Court for the Northern District of Texas, Fort Worth Division, in Case No. 4:08-CV-057-Y determines that Chemguard, LTD.'s theory of personal jurisdiction is viable, then the Court would be inclined to further consider Chemguard, LTD.'s motion to compel discovery. However, in that event, and before this Court would require Ansul, Incorporated to comply in any respect with the subpoena at issue:

- a. Chemguard, LTD. must deposit more than \$25,000 with the Clerk of this District Court to offset the burden imposed on Ansul, Incorporated to produce witnesses and documents in response to the subpoena at issue; and
- b. A suitable protective order must be entered to bind Chemguard, LTD. from disclosing any materials or testimony produced by Ansul, Incorporated in response to the subpoena at issue.

Dated at Milwaukee, Wisconsin, this 6th day of August, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller
U.S. District Judge